

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of:	:	MISCELLANEOUS CASE
SEIZURE OF A TOTAL OF ONE	:	No. 23-MC-_____
HUNDRED SEVENTEEN THOUSAND	:	
ONE HUNDRED TWELVE DOLLARS	:	
(\$117,112.00) IN UNITED STATES	:	
CURRENCY	:	

ORDER

AND NOW, this ____ day of _____, 2023, upon consideration of the government's motion pursuant to 18 U.S.C. § 983(a)(3) to extend for an additional sixty (60) days the period of time to obtain an indictment or file a complaint seeking forfeiture of the above-listed property, for good cause shown and upon agreement of the parties, the motion is GRANTED. The time period within which the government must obtain an indictment or file its complaint in this matter is extended to April 15, 2023.

Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of: : **MISCELLANEOUS CASE**

SEIZURE OF A TOTAL OF ONE : **No. 23-MC-_____**
HUNDRED SEVENTEEN THOUSAND :
ONE HUNDRED TWELVE DOLLARS :
(\$117,112.00) IN UNITED STATES :
CURRENCY :

MOTION OF UNITED STATES OF AMERICA
FOR EXTENSION OF TIME TO OBTAIN INDICTMENT
OR FILE CIVIL FORFEITURE COMPLAINT

The United States of America, by its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, and Timothy Stengel, Assistant United States Attorney, pursuant to 18 U.S.C. Section 983(a)(3)(A), requests this Court to extend the period of time to obtain an indictment or file a civil complaint seeking forfeiture of the above-listed property until April 15, 2023. In support of the motion, the government avers as follows:

1. On August 25, 2022, FBI and the Philadelphia Police Department executed a state search warrant (search warrant #254-521) at a residence on Kerper Street in Philadelphia. In the upstairs, law enforcement located three firearms, including a Beretta .40 caliber pistol, which was located underneath the master bedroom mattress, a Glock 26, 9mm pistol, which was located on an end table in one of the other bedrooms, and a Taurus, 9mm PT-111, which was located on an end table in a third bedroom. On one table in the basement, there was a supply of a white powdery substance consistent with fentanyl, some of which was packaged and some of which was loose. There was also bowl that contained a white powdery substance consistent with fentanyl. In all, investigators found over a kilogram of suspected fentanyl. Law enforcement also

located over \$100,000 in United States currency, consistent with the distribution of narcotics. Law enforcement seized \$117,112.00 in United States currency (“Seized Currency”).

2. As required by law, on or about October 21, 2022, the FBI provided direct, written notice to Agripina Reyes, Herisha Gomez, Ashley Reyes Nunez and Wellington Moronta Abreu of its intent to administratively forfeit the Seized Currency, by delivering to them at their last known address a copy of the notice of seizure and advising them of their right to file a claim in this matter.

3. On or about November 16, 2022, Agripina Reyes filed with the FBI, through her attorney, Hope Lefeber, Esquire, a claim seeking to contest the forfeiture of the Seized Currency. To date, no other party has filed a claim with the FBI to contest the forfeiture of this property.

4. The Civil Asset Forfeiture Reform Act, 18 U.S.C. § 983, *et seq.* provides that, within 90 days after a claim for the return of property is filed, the government must obtain an indictment listing the seized property as being subject to forfeiture and take other steps necessary to preserve the seized property, file a civil complaint for forfeiture of the seized property, or obtain a court order extending the time period for good cause shown or upon agreement of the parties, as provided under federal law. *See* 18 U.S.C. § 983(a)(3)(A) and (B). Also, if the government does not obtain an indictment listing the seized property as being subject to forfeiture, file a civil forfeiture complaint, or obtain an extension of time, the government must release the property and not take any further civil forfeiture action against the property. *See* 18 U.S.C. § 983(a)(3)(B).

5. The government, therefore, is required to obtain an indictment listing the Seized Currency as being subject to forfeiture, file a civil complaint for forfeiture, or obtain an

extension of time, in this case on or before February 14, 2023, with respect to Agripina Reyes' claim.

6. By this motion, the government, pursuant to 18 U.S.C. § 983(a)(3)(A), requests an extension of time of an additional sixty (60) days from the filing deadline, until April 15, 2023, to obtain an indictment listing the Seized Currency as being subject to forfeiture or file a civil complaint for forfeiture in this matter.

7. The government submits that good cause exists for the Court to grant an extension of time in this instance. The government requires this additional time to complete its investigation in this matter. The government is continuing to review evidence regarding the Seized Currency. The requested extension of time also will enable the government to further identify legal and factual issues involving the seizure and forfeiture of the Seized Currency and to fully consider the claim for the return of the Seized Currency. Also, before taking final action, government counsel must obtain supervisory approval of any proposed forfeiture complaint or any proposed settlement.

8. The government also submits that the requested extension of sixty (60) days is reasonable under the circumstances. This is the government's first request for extension of time in this matter. Furthermore, the government submits that the requested extension of time is made in good faith and is not intended to unduly delay these proceedings, and this request will not unduly prejudice the claimant.

9. Hope Lefebvre, Esquire, has represented that her client, Agripina Reyes (the claimant), does not oppose the government's request for a 60-day continuance in this matter.

WHEREFORE, based on the foregoing, the government requests that this Court grant the motion.

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ Sarah L. Grieb
SARAH L. GRIEB
Assistant United States Attorney
Chief, Asset Recovery and Financial Litigation

/s/ Timothy M. Stengel
TIMOTHY M. STENGEL
Assistant United States Attorney

Date: February 14, 2023

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the MOTION OF UNITED STATES OF AMERICA FOR EXTENSION OF TIME TO OBTAIN INDICTMENT OR FILE FORFEITURE COMPLAINT was served on the following by first-class mail, postage prepaid, as follows:

Hope C. Lefebber LLC
1500 JOHN F KENNEDY BLVD STE 1205
TWO PENN CENTER
PHILADELPHIA, PENNSYLVANIA 19102-1751
hopelefeber@comcast.net

/s/ Timothy M. Stengel
TIMOTHY M. STENGEL
Assistant United States Attorney

Date: February 14, 2023